**HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO**

**W.P. No. 19858 of 2007**

**27.9.2007**

Between

Labala Satyanarayana ..Petitioner

AND

The Government of Andhra Pradesh, Social Welfare Department represented by it's secretary and another ..Respondents

**:: JUDGMENT ::**

**HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO**

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**W.P. No.19858 of 2007**

1. Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare. With their consent, this writ petition is disposed of at this stage.

2. The writ petitioner has claimed that he belongs to "Jatapu" community, which is recognized as a Scheduled Tribe. He has originally obtained the social status certificate vouching for his community from the Mandal Revenue Officer, Denkada in Vizianagaram District. Based on the strength of that certificate, he had claimed employment in the APSP V Battalion, Chintavalasa village, Vizianagaram District, and subsequently, in the Central Warehousing Corporation in the year 1997. However, at the request of the Chief Vigilance Officer of Central Warehousing Corporation, the District Collector, Vizianagaram had embarked upon the verification of his social status claim. He concluded the entire issue through his proceedings dated 01-06-2007 holding that the petitioner does not belong to "Jatapu" community and therefore, his claim as a member belonging to the Scheduled Tribe has been negatived. The social status certificate issued to the writ petitioner was also cancelled by the Collector through the same proceedings. Since the cancellation of social status certificate entails certain grave consequences including the prospects of

his losing employment, the writ petitioner had approached the State Government under Section 7 of the Andhra Pradesh Scheduled Castes, Scheduled Tribes, Backward Classes Regulation of Issue of Community, Nativity and Date of Birth Certificates Act, 1993 by way of an Appeal. The State Government entertained the Appeal and while dealing with his application moved under Section 151 CPC seeking stay of operation of the proceedings of the District Collector dated 01-06-2007, the State Government through their memo dated 28-08-2007 has rejected the same. Against this order of the State Government dated 28-08-2007, the present writ petition is filed.

3. While entertaining the Appeal, the State Government passed the impugned order rejecting the stay of operation of the orders passed by the District Collector canceling the social status certificate issued in favour of the petitioner by the Mandal Revenue Officer, Denkada. During the pendency of the Appeal, the appellate authority is only required to assess the balance of convenience between the parties. Undoubtedly, the social status certificate was issued in favour of the writ petitioner by the Mandal Revenue Officer long back. The writ petitioner has secured employment with the APSP V Battalion, Chintavalasa Village, Vizianagaram District and subsequently secured employment with the Central Warehousing Corporation, Kamareddy, Nizamabad District, on that basis. If the certificate has not been cancelled strictly in accordance with terms and the provisions contained in the Andhra Pradesh Scheduled Castes, Scheduled Tribes, Backward Classes Regulation of Issue of Community, Nativity and Date of Birth Certificates Act, 1993, then he will be entitled to have protection of the benefits, which

he had already availed. If on the other hand, the writ petitioner has made a wrongful claim as member belonging to the Scheduled Tribe, the same is liable to be determined and brought to an end quickly.

4. In these set of circumstances, I consider that the balance of convenience rests at present in favour of the writ petitioner only. I therefore set aside the impugned order dated 28-08-2007 and direct the respondents not to subject the writ petitioner to any penal consequences in pursuance of the orders passed by the District Collector in proceedings (M) RC No. 727/2005 C5 dated 01-06-2007 pending further orders on the Appeal preferred by him against the said orders, which Appeal was entertained by the first respondent and kept pending. However, the writ petitioner shall also not seek or secure any further benefits from now for himself or for any other dependent family member of his as members belonging to the scheduled tribe till such time, the Appeal is decided by the State Government. It is only appropriate that the State Government shall dispose of the Appeal at its earliest convenient time, at any rate on or before 30.4.2008.

5. With this, the writ petition stands disposed of. No costs.

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**NOOTY RAMA MOHANA RAO.J.**

27.9.2007

Note:
C.C. in one week
B/o.

Stp